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LITIGATION BUREAU

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BY ECF

November 16, 2021

The Honorable Judith C. McCarthy
Southern District of New York
300 Quarropas St.
White Plains, NY 10601

Re: Flores v. Stanford, et al., 18 Civ. 2468 (VB)(JCM)

Dear Judge McCarthy:

This Office represents the named Defendants in this action. Pursuant to Fed. R. Civ. P. 30(a)(2)(B), Defendants respectfully request leave to depose the following incarcerated individuals at their respective correctional facilities by remote means. All of the deponents are individuals incarcerated in the custody of the New York State Department of Corrections and Community Supervision (DOCCS). Defendants seek this leave because Plaintiffs' have indicated the following persons may be added to this action via a Third Amended Complaint. These depositions are expected to take place the weeks of December 6 and 13, 2021, and their scheduling may depend on when video conferencing is available at a given facility. We will attempt to take two depositions a day, but may not be able to in light of facility schedules. Accordingly, unless the parties agree otherwise, it is requested that Defendants' counsel shall be allowed to notice such depositions at least five days in advance of the deposition. Defendants will endeavor to provide more advanced notice if they are able to do so. The Court's endorsement of this application will be sufficient to allow DOCCS officials to schedule the depositions.

Terrence Anderson 00B1000
Jonathan Crawford 79B1173
Joshua Horein 01B0816
Tiheem Morris 10A2362
Vintarra Martin 08G1219
Jaquan Kennedy 06A3147¹
Alexander Mitchell 07A5187²

SO ORDERED:

Application granted.

Judith C. McCarthy

11-19-21

JUDITH C. MCCARTHY
United States Magistrate Judge

1 Jaquan Kennedy 06A3147 is an incarcerated individual that Plaintiffs indicated may be added, but he has been granted parole and is scheduled to be released later in 2021. Plaintiffs have received his parole files as per the Court's November 4, 2021 order, but indicated they will not proceed with him. In an abundance of caution, if Plaintiffs change their view, we are seeking leave, but will not schedule such a deposition if he is not to be added as a plaintiff in this action.

2 Alexander Mitchell 07A5187 is also currently incarcerated, but was granted an open parole date this week. Plaintiffs have not indicated whether they plan to proceed with adding him as a plaintiff.

We thank the Court for its consideration in this matter.

Respectfully submitted,

/s/Jeb Harben

Jeb Harben

Assistant Attorney General

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cc: Plaintiffs' Counsel (Via ECF)